

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Daniel Michniak
Melinda Michniak**
Debtor(s)

Bankruptcy Case No.: 19-24491-CMB
Per 12/16/2019 proceeding
Chapter: 13
Docket No.: 17 - 4
Concil. Conf.: June 11, 2020 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 11/18/2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 11, 2020 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nissan Motor Acceptance (CI #1) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: December 19, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Daniel Michniak
 Melinda Michniak
 Debtors

Case No. 19-24491-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dsaw
 Form ID: 149

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Dec 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2019.

db/jdb
 15159663 +Daniel Michniak, Melinda Michniak, 205 Birchwood Lane, Imperial, PA 15126-1403
 15159665 +ADS/Comenity/Alphaeon, PO Box 182120, Columbus, OH 43218-2120
 15159666 +CBNA/Best Buy, PO Box 6497, Sioux Falls, SD 57117-6497
 15159666 +Citicards, PO Box 6500, Sioux Falls, SD 57117-6500
 15159669 +Greater Pittsburgh Orthopaedic Associate, 5820 Centre Avenue, Pittsburgh, PA 15206-3710
 15159670 +Heritage Valley Health System, 200 Ohio River Blvd, 2nd Floor, Baden, PA 15005-1914
 15159672 +Heritage Valley Sewickley, 720 Blackburn Road, Sewickley, PA 15143-1459
 15159673 +Heritage Valley Sewickley, PO Box 536366, Pittsburgh, PA 15253-5905
 15159674 +Heritage Valley Sewickley Hospital, 720 Blackburn Road, Sewickley, PA 15143-1459
 15159675 +JPMCB Card, PO Box 15369, Wilmington, DE 19850-5369
 15161950 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
 15159677 Nissan Motor Acceptance Corporation, PO Box 660360, Dallas, TX 75266-0360
 15169258 +PCA Acquisition V, LLC c/o, Phillips & Cohen Associates, LTD, 1002 Justison Street,
 Wilmington DE 19801-5148
 15159678 +PNC Bank N.A., PO Box 3180, Pittsburgh, PA 15230-3180
 15159680 #+Roundpoint Mortgage, 5032 Parkway Plaza Blvd, Charlotte, NC 28217-1918
 15159681 +Roundpoint Mortgage, PO Box 19409, Charlotte, NC 28219-9409
 15159686 +TD Bank USA/Target Credit, PO Box 673, Minneapolis, MN 55440-0673
 15159687 +The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 15159688 +The Home Depot/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
 15159690 +Wells Fargo Bank NA, PO Box 14517, Des Moines, IA 50306-3517
 15159691 +Zwicker & Associates, PC, 3220 Tillman Drive, Ste 215, Bensalem, PA 19020-2028

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

15159664 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 20 2019 03:30:27
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15159667 +E-mail/Text: cms-bk@cms-collect.com Dec 20 2019 03:24:07 Capital management Services LP,
 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
 15159667 +E-mail/Text: kzoepfel@credit-control.com Dec 20 2019 03:24:30 Credit Controls LLC,
 5757 Phantom Drive, Ste 330, Hazelwood, MO 63042-2429
 15159668 E-mail/Text: mrdiscen@discover.com Dec 20 2019 03:23:59 Discover Financial Services,
 PO Box 15316, Wilmington, DE 19850
 15162685 E-mail/Text: mrdiscen@discover.com Dec 20 2019 03:23:59 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15162842 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 20 2019 03:30:31 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15159676 E-mail/Text: e-bankruptcy@nasafcu.com Dec 20 2019 03:23:57 NASA Federal Credit Union,
 500 Prince Georges Blvd, Upper Marlboro, MD 20774
 15159679 +E-mail/PDF: resurgentbknotifications@resurgent.com Dec 20 2019 03:30:31
 Resurgent/LVNV Funding, PO Box 1269, Greenville, SC 29602-1269
 15159683 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:28 SYNCB/JC Penney, PO Box 965007,
 Orlando, FL 32896-5007
 15159684 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:30:19 SYNCB/TJX Cos DC, PO Box 965015,
 Orlando, FL 32896-5015
 15159685 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:28 SYNCB/Toys R Us, PO Box 965005,
 Orlando, FL 32896-5005
 15159682 +E-mail/Text: specialservicing@sofi.com Dec 20 2019 03:25:03 SoFi Lending Corporation,
 One Letterman Drive, Building A, San Francisco, CA 94129-1512
 15160736 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:27 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15159689 +E-mail/Text: BankruptcyNotice@upmc.edu Dec 20 2019 03:24:53 UPMC, 2 Hot Metal Street,
 Dist. room 386, Pittsburgh, PA 15203-2348

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 15159671* RoundPoint Mortgage Servicing Corporation
 +Heritage Valley Health System, 200 Ohio River Blvd 2nd Floor, Baden, PA 15005-1914
 TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0315-2

User: dsaw
Form ID: 149

Page 2 of 2
Total Noticed: 35

Date Rcvd: Dec 19, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 21, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor RoundPoint Mortgage Servicing Corporation
bkgroup@kmlawgroup.com
Max C. Feldman on behalf of Joint Debtor Melinda Michniak mcfeldman@verizon.net
Max C. Feldman on behalf of Debtor Daniel Michniak mcfeldman@verizon.net
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5